

**REMARKS**

Claims 1-12, 15-19, 21-35, 37, 38, 40-58, 60-74, 76, 77 and 79-99 are currently pending in the Application. Claims 13, 14, 20, 36, 39, 75 and 78 have been canceled without prejudice. Claim 59 was previously canceled. Claims 1-3, 5, 9, 10, 15-18, 21, 24, 26, 27, 33, 35, 37, 40, 41, 43, 44, 51-53, 56, 60, 61, 64, 65, 70-72, 74, 76, 79, 80, 82, 83 and 90 have been amended. New claims 91-99 have been added. All other claims remain in their original or previously-amended form. The TITLE has been amended. Reconsideration of the Application is respectfully requested.

**I. Telephone Interview Summary**

The undersigned wishes to thank Examiner Avellino for the courtesies extended during the September 22, 2006 telephone interview. Attending the interview on behalf of the Applicant were the undersigned, Mark Reed (Senior Software Architect and in-house patent attorney for Applicant, Reg. No. 47,017), and Sundar Kadayam (Chief Technical Officer for Applicant).

The undersigned requested the interview to discuss the §101 rejections of all claims and the prior art rejections concerning primarily claims 1, 2 and 13-16.

Mr. Kadayam began by providing background concerning the Applicant and the technology covered by the present application. With respect to the technology related to the present application, the Applicant gathers consumer postings from electronic discussion forums such as message boards, blogs, usenet newsgroups and the like and then applies its analytical technology to the collected postings to generate analytical reports for the Applicant's clients, which include over 150 of the Fortune 1000 companies. An example scenario offered by Mr. Kadayam involved a large automaker that wanted to monitor pre-release buzz on their planned new vehicle launch, prior to the launch – with an eye towards understanding the core appeal factors and the opinions of influential on-line authors/posters on various facets of the new vehicle such as styling, performance, pricing, etc. Another example offered by Mr. Kadayam involved a large

movie studio that wanted the Applicant to analyze the buzz associated with the launch of a sequel of a very large action movie franchise. The specifics that the Applicant was asked to analyze included key elements that drive positive buzz, the effectiveness of the on-line trailers, the appropriateness of the content of the promotionals and the like. In both of such examples, the results of the analysis were provided by the Applicant to the client in the form of one or more analytical reports.

Following Mr. Kadayam, the undersigned offered that the §101 rejections could be overcome by amending the claims to include a step of generating a report as described in the patent application. This report would constitute a useful, concrete and tangible result required by §101. Examiner Avellino agreed in principle that such an amendment should overcome the rejection, but would need to see the amendments before making a final decision on the issue. The undersigned then introduced that the report generating step may also be useful to overcome at least some of the prior art rejections because none of the cited prior art references generate the types of analytical reports described in the present application. No agreement was reached on this issue.

Mr. Reed then introduced the relevance of claims 13-16 by describing that the present application generates a passive opinion rating, which is an analysis of unsolicited consumer opinion through automated analysis, rather than an active opinion rating, which is traditional solicited market research. It was discussed by Examiner Avellino that the step of “computing an opinion rating” in claim 13 could be very broadly interpreted as virtually any understanding of the message contents, leading to the prior art rejections. The undersigned then offered that the determination of sentiment as recited in claims 15 and 16 was more specific to the purpose of the passive opinion analysis. No agreement was reached on this issue.

## **II. Claim Rejections – 35 USC §101**

The Office action rejected all pending claims as being allegedly directed to non-statutory subject matter. Specifically, the claims allegedly fail “to produce a practical application through a physical transformation or a useful, concrete, and tangible result.”

All independent claims have been amended to overcome this rejection by, as discussed during the telephone interview, reciting a tangible result in the form of a report is produced.

For example, claim 1 has been amended to recite that the system further comprises a computer implemented report generator for generating a report on the at least one topic using results from the processing means, wherein the report at least indirectly reflects at least the numerical relevance scores for the collected messages posted by the plurality of pseudonyms. For clarification, by reciting that the report “at least indirectly reflects” at least the numerical relevance scores, such numerical relevance scores can thus be directly reflected in the report, or can be reflected in some other indirect form, such as a report output in which the numerical relevance scores were used in an intermediate step of generating such report output. Said another way, “at least indirectly reflects” means “directly and/or indirectly reflects.” Claim 1 has also been amended to clarify that the message collector is computer implemented.

Claims 10, 26, 33, and 56 have also been amended in a similar manner to overcome the §101 rejection, although such amendments differ in claim scope depending upon the precise wording in each claim. Many dependent claims (2, 9, 15, 18, 21, 24, 27, 39, 41, 43, 44, 51 and 53, for example) depending from these independent claims have also been amended to recite that the report generated by the report generator includes additional aspects, depending upon what is being claimed in each particular dependent claim.

Likewise, independent method claim 52 has been amended to include a step of generating a report regarding, at least in part, the at least one topic, wherein the report output is based upon, at least in part, the numerical relevance score of the messages and characteristics of the plurality of pseudonyms. Independent method claims 61, 64, 70, and 72 have also been amended to recite similar steps to overcome the §101 rejection, although the scope of each amendment will differ depending upon the precise language of the claim. Dependent claims 53, 60, 65, 71, 78, 80, 82, 83 and 90 have also been amended to recite that the report output includes additional aspects, depending upon what is being claim in each particular dependent claim.

In light of the above, it is respectfully requested that the §101 rejections to the claims be withdrawn.

### **III. Claim Rejections under §102 & §103**

Claims 1, 26, 33-36, 52, 64, and 72 are rejected as being allegedly anticipated by US Pat. No. 6,539,375 to Kawasaki. Claims 2 is rejected as being allegedly obvious over Kawasaki in view of US Pat. No. 6,978,292 to Murakami; and claim 3 is rejected as being obvious in further view of US Pat. No. 6,314,420 to Lang. Further claims 1-3, 9, 13-31, 33-55, 60, 64-69, and 71-90 are rejected as being allegedly obvious over US Pat. No. 6,571,234 to Knight in view of Lang.

It is respectfully submitted that the amendments to claims 1, 26, 33, 52, 64 and 72, as will be discussed in further detail below, have overcome these rejections.

Kawasaki is directed to a method for profiling a computer user based upon the user's internet usage so as to be able to better target marketing offers to that user. While the user profile created by this method is a report, the Kawasaki user profile concerns only a single user's internet usage.

Knight is directed to a system for monitoring message board activities in order to subsequently enhance the message board's functionalities based upon the such activities. The output of this system is to modify the user interface, add or modify new groups or classes for message traffic, and/or to adjust the priority of content extraction based upon prior user preferences and activities. Knight does not teach or suggest generating a topical report based upon the analysis of the messages.

As discussed above, one primary purpose of the present invention is to generate analytical reports for companies based upon an analysis of internet discussion traffic related to the companies' topic of interest (e.g., the companies' products). Thus the purposes of both Kawasaki and Knight as compared to the present invention are very different. An example of this difference is reflected in claim 1 as amended.

Claim 1 recites that the system includes means for processing the messages based on one or more topics to *track a plurality of pseudonyms*, and that the report generated by the system at least indirectly reflects at least the numerical relevance scores for the collected messages *posted by the plurality of pseudonyms*. Kawasaki's user profile only tracks a single user, while the topical report of claim 1 utilizes an analysis of the relevance of posted messages from the plurality of pseudonyms that are being tracked to a given topic. Knight does not teach or suggest generating a topical report based upon the relevance of posted messages to a given topic. Consequently, it is respectfully submitted that claim 1, and all claims that depend therefrom, are now distinguished from Kawasaki and Knight for at least this reason.

It is noted here that the Office action has also combined Kawasaki with both Murakami and Lang for allegedly rendering obvious the respective use of the buzz score and the pseudonym's influence scores in the claimed systems and processes (claims 2 and 3). Murakami teaches essentially a virtual message board monitor for controlling message traffic in an electronic discussion forum. So while Murakami monitors the level of activity within an electronic discussion forum and evaluates pseudonyms posting on

such electronic discussion forums, Murakami does not teach nor suggest generating a topical report based upon the level of posting activities and pseudonym influence scores.

Further, Lang teaches a search engine that utilizes user feedback system to improve the search algorithms. The feedback data is collaborative in that the influence and history of the feedback authors are taken into account in assessing and using the feedback. But Lang does not teach nor suggest generating a topical report based upon the level of posting activity and pseudonym influence scores.

So while, it is arguable that certain claim elements that are missing in Kawasaki can be “found” in other references such as Murakami and Lang; since none of the cited references are directed to the purpose of the present invention, one of ordinary skill in the art would not be motivated to make the proposed combination to reach the invention as claimed. Put another way, if one of ordinary skill had the three cited references before him/her that are respectively directed to: a system that monitors a user’s internet activity to learn how to better target marketing to that user; a system that provides a virtual message board monitor; and a search engine with a collaborative feedback function – that person of ordinary skill would never find it obvious to develop the claimed system for generating topical reports based upon the relevance of posted messages to a given topic, the level of message activities and pseudonym influence in electronic message boards (as claimed in claims 2 and 3). A similar analysis can be performed with the combination of Knight and Lang, as Knight is also directed to an invention completely different than the claimed invention. Therefore, it is respectfully submitted that claims 2 and 3 are also allowable for at least these additional reasons.

Claim 4 is not indicated by the Office action as being anticipated or obvious in view of any of the cited prior art references; nor is claim 4 indicated as allowable subject matter. It is respectfully submitted that none of the prior art references teach or suggest the buzz calculation method recited therein, and claim 4 is thus distinguishable for at least this additional reason.

Claim 15 as amended recites that the processing means of claim 1 further includes a textual analysis application that compares a content of the collected message with a plurality of known words and phrases indicative of expressions of *sentiment* to assign an opinion rating to the collected message, where the report at least partially reflects this opinion rating. None of the cited references teach or suggest a textual analysis application that derives assigns an opinion rating from a collected message based upon the presence of phrases indicative of expressions of *sentiment* in the message. The passages of Knight (Col. 22, lines 7-43) cited by the Office action as disclosing “textual analysis software application compare[ing] a content of the collected message with a plurality of known words and phrases indicative of expressions of an opinion” disclose only topical analysis of the message text and not any analysis of *sentiment* whatsoever. As discussed above, poster sentiment regarding a given topic is critical to many of the analytical reports that can be generated by the present invention (e.g., sentiment regarding a vehicle or a new movie that is about to be released). Since the cited prior art references are directed to very different systems and methods, gauging sentiment associated with a topic in a posted message for the purpose of generating a topical report is not contemplated. Consequently, it is respectfully submitted that claim 15, and all claims depending therefrom, is allowable over the cited prior art for at least this additional reason.

With respect to claims 16, 17 and 20, Lang was combined with Knight and cited by the Office action as being “analogous art” and as computing a positive and a negative sentiment score in a system for processing messages (citing col. 16, 10-47). Since Lang does disclose an electronic discussion/collaboration procedure as part of its search engine feedback function, Lang is at most on the outer edges of analogous art. But the “sentiment” disclosed in Lang is merely a rating scheme that allows the feedback authors the ability to rate an article, for example, on a scale of 1 to 5, with 5 indicating a most interesting article. Lang does not disclose any process for a textual analysis of a message for words and phrases indicative of expression of sentiment as required in intervening

claim 15. Consequently, even if Lang were combined with Knight, one of ordinary skill would not be motivated to change the topical textual analysis of Knight into a sentiment textual analysis as claimed in claim 15-17 because the numerical “sentiment” rating is already required to be provided by the users in Lang (textual analysis for sentiment is not necessary nor contemplated in Lang). Consequently, the claims 15-17, and all claims depending therefrom, are allowable over the combination of Knight and Lang for at least this additional reason (claim 20 has been canceled and the subject matter essentially added to claim 17).

Independent claim 26 has been amended to further specify that the buzz score is a measure of a level of activity within one or more of the electronic discussion forums, and that the topical report at least partially reflects the buzz score. It is respectfully submitted that Kawasaki does not generate topical reports that include output at least partially reflecting the level of activity within one or more electronic discussion forums. As discussed above, the user profile of Kawasaki only tracks the topics of a user’s internet activity, not the levels of activity within any discussion forums that may be visited by the user. Consequently, it is respectfully submitted that claim 26, and all claims that depend therefrom, are now distinguished from Kawasaki for at least this reason. Further, as discussed above, even if combined with Murakuni (which arguably monitors message board activity), one of ordinary skill would not be motivated to reach the claimed invention because both Kawasaki and Murakuni are directed to purposes different than the claimed invention.

The Knight-Lang combination is also distinguished from claim 26, and all claims that depend therefrom, for multiple reasons, including the fact that neither prior art reference teaches or suggests the creation of a topical report that at least partially reflects the buzz score, which is a measure of a level of activity within one or more of the electronic discussion forums.



Dependent claim 27 has also been amended to recite that the migration score is based upon movement of influential posting activity within the one or more electronic discussion forums and that the report at least partially reflects the numerical migration score. It is respectfully submitted that none of the cited prior art references, or combinations thereof, teach or suggest such a limitation. Consequently, it is respectfully submitted that claim 27 and all claims depending therefrom are distinguishable from the prior art for at least this additional reason.

Independent claim 33 has been amended to incorporate the subject matter of canceled claims 36 and 39 to now recite, in part, that the message collector and/or message categorizer is adapted to extract a pseudonym author of the collected message and is adapted to compute a numerical influence score for the extracted pseudonym author, where the report at least indirectly further reflects the numerical influence score in addition to the relevance scores. As discussed above, none of the cited references either alone or in combination teach or suggest such a system. Consequently, it is respectfully submitted that claim 33 and the claims that depend therefrom are now distinguished from the cited references.

With respect to dependent claims 49 and 50 (and similar claims 88 and 89), the applicant respectfully traverses the Office action's official notice taken on page 16 of the Office action for use in rejecting each of these claims as obvious; and requests that the Office provide adequate evidence to support such a conclusions (see MPEP §2144.03).

Independent claim 52 has been amended to recite that the method now includes the step of generating a report regarding, at least in part, the at least one topic, where a report output is based upon, at least in part, the numerical relevance score of the messages *and characteristics of the plurality of pseudonyms*. As discussed above, since Kawasaki is directed to generating a user profile for a single internet user, it does not teach nor suggest generating a topical report based upon the relevance of discussion messages to the topic and based upon *a plurality of pseudonyms* posting such messages.

Consequently, it is respectfully submitted that claim 52 and all claims depending therefrom are distinguishable from Kawasaki for at least this reason.

As also discussed above, the Knight-Lang combination also fail to teach or suggest generating a topical report based upon the relevance of discussion messages to the topic and based upon a plurality of pseudonyms posting such messages. Consequently, it is respectfully submitted that claim 52 and all claims depending therefrom are also distinguishable from Knight-Lang for at least this reason.

It is respectfully submitted that claim 55 is also allowable for at least the same reason as given above for claim 4.

Dependent claim 60 has been amended to properly depend from method claim 54.

Independent claim 64 has been amended to recite that the buzz score is a measure of a level of activity within one or more of the electronic discussion forums, and that the method further includes the step of generating a report on, at least in part, the at least one topic, where the report output is based upon, at least in part, the numerical relevance score and the buzz score. As discussed above with respect to claim 26, none of the cited references, either alone or in combination, teach or suggest such a method. Consequently, it is respectfully submitted that claim 64 and all claims that depend therefrom are distinguishable from the cited prior art.

Dependent claim 65 has been amended in similar fashion as claim 27 (migration score), described above. Consequently, it is respectfully submitted that claim 65 and all claims depending therefrom are distinguishable from the prior art for at least the additional reasons given above for claim 27.

Dependent claim 71 has been amended to recite that the processing step further comprises computing a sentiment score measuring a degree in which the at least one

message exhibits positive sentiment, negative sentiment and/or no sentiment associated with the at least one topic, where the report output is further based upon, at least in part, the sentiment score. As discussed above, it is respectfully submitted that none of the cited prior art references, or any combination thereof, teaches or suggests such a process (while Lang discloses a sentiment score, Lang does not teach or suggest generating a topical report where the output is based upon such sentiment score). Consequently it is respectfully submitted that claim 71 and all claims depending therefrom are distinguishable from the cited prior art references for at least this additional reason.

Independent claim 72 has been amended to incorporate the subject matter of canceled claims 75 and 78 to now recite that the method further includes the steps of extracting a pseudonym author of the collected message; computing a numerical influence score for the extracted pseudonym author; and generating a report regarding, at least in part, the at least one topic, where the report output is based upon, at least in part, the numerical relevance score and the numerical influence score. As discussed above with respect to claim 33, none of the cited references, either alone or in combination, teach or suggest such a method. Consequently, it is respectfully submitted that claim 72 and all claims that depend therefrom are distinguishable from the cited prior art.

Dependent claim 82 has been amended to recite that the numerical buzz score is a measure of a level of activity within one or more of the electronic discussion forums and the report output is further based upon, at least in part, the numerical buzz score. Consequently, for substantially the same reasons as provided above for claim 26, it is respectfully submitted that claim 82 and all claims depending therefrom are distinguished from the cited prior art of record.

#### **IV. Allowable Subject Matter**

Applicant graciously acknowledges the indication of allowable subject matter in claims 5-8, 10-12, 56-58 and 61-63; and, in light of the above amendments to overcome

the §101 rejection, it is respectfully submitted that these claims are in condition for allowance.

**V. New Claims**

New claims 91-99 recite the method of determining, from a plurality of electronic discussion messages, both relevance to a topic and sentiment within the messages, and for compiling such analysis results for multiple messages to generate an electronic message activity report. As discussed at length above, none of the cited prior art references either alone or in combination teach or suggest such a process. Consequently, it is respectfully submitted that new claims 91-99 are in condition for allowance.

Dependent claim 92 recites that the step of determining positive sentiment, negative sentiment and/or absence of sentiment in each message includes the step of analyzing textual patterns in the message for the expression of sentiment. As discussed above, this additional step is not taught nor suggested by any cited prior art reference or any combination thereof. Consequently it is respectfully submitted that new claim 92 and all claims that depend therefrom are allowable for at least this additional reason.

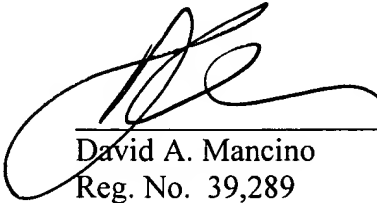
**VI. Conclusion**

In light of the foregoing, it is respectfully submitted that claims 1-12, 15-19, 21-35, 37, 38, 40-58, 60-74, 76, 77 and 79-99, now pending as amended, are distinguishable from the references cited, and in condition for allowance. Reconsideration and withdrawal of the objections and rejections of record is respectfully requested.

Serial No.: 09/879,220  
Attorney Docket No.: BL055-GN003-CIP  
Amendment

If the Examiner wishes to discuss any aspect of this response, please contact the undersigned at the telephone number provided below.

Respectfully submitted,



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